

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Eric Babos,	:	Case No. 3:09CV0908
	:	
Petitioner	:	Judge Jack Zouhary
	:	
v.	:	Magistrate Judge David S. Perelman
	:	
Robert Welch, Warden,	:	MEMORANDUM OPINION
	:	AND ORDER
Respondent	:	

By reason of an error in the ECF system this Court was not aware that a response had been filed to the plaintiff's motion to compel on November 18, 2009.

The fact that this was done having been called to this Court's attention by respondent's counsel, the Memorandum Opinion and Order entered December 10, 2009 is withdrawn, and stricken from the record.

As the time for a reply has passed, unless this Court is notified within twenty-four hours by plaintiff's counsel that a motion for leave to file a reply is forthcoming this Court will proceed to consider the motion on the pleadings as they now stand.

IT IS SO ORDERED.

s/DAVID S. PERELMAN
United States Magistrate Judge

DATE: December 10, 2009